

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PAUL M. TEGELER,

Defendant.

4:14-CR-3091

ORDER

This matter is before the Court on correspondence from the defendant (filing [72](#)) asking the Court to resentence him, and the Court has docketed that as a motion to reconsider. The Court will deny the motion for lack of jurisdiction.

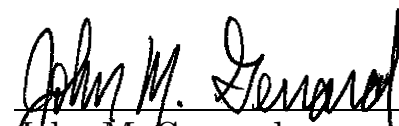
The defendant was sentenced on August 19, 2015. Filing [57](#). On August 21, the defendant (through his court-appointed counsel) filed a timely notice of appeal. Filing [61](#). That appeal is still pending before the Eighth Circuit Court of Appeals. And the filing of a notice of appeal confers jurisdiction on the Court of Appeals and divests the district court of its control over those aspects of the case involved in the appeal. *United States v. Webster*, 797 F.3d 531, 537 (8th Cir. 2015); see *United States v. Ledbetter*, 882 F.2d 1345, 1347-49 (8th Cir. 1989). Accordingly, the Court lacks jurisdiction, and will deny the motion. See *Webster*, 797 F.3d at 537; see also Fed. R. Crim. P. 37(a)(2).

IT IS ORDERED:

1. The defendant's motion to reconsider (filing [72](#)) is denied.
2. The Clerk of the Court shall provide notice of this order to the defendant at his last known address.

Dated this 13th day of October, 2015.

BY THE COURT:



John M. Gerrard
United States District Judge